

CITY OF CLE ELUM
WASHINGTON
ORDINANCE NO. 1607

**AN ORDINANCE OF THE CITY OF CLE ELUM,
WASHINGTON, AMENDING THE SHORELINE MASTER
PROGRAM, 18.02 CEMC; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE**

WHEREAS, the Shoreline Master Program (SMP) is developed under guidelines established by the Department of Ecology, and is an important document that plans for and protects the City of Cle Elum's shorelines and waterways; and

WHEREAS, the Shoreline Management Act (SMA) identifies the lands that fall within the SMA's jurisdiction; and

WHEREAS, shoreline jurisdiction within the City generally includes all adjacent lands within 200 feet of the ordinary high-water mark of the Yakima River and the Cle Elum River and associated floodway, contiguous floodplain within 200 feet of the floodway, and associated wetlands; and

WHEREAS, under the SMA, the City is required to review, and, if necessary, revise its SMP according to the schedule set forth in RCW 90.58.080, which is a periodic review every eight years.

WHEREAS, the purpose of the periodic review is to stay current with any changes in laws and rules, respond to changed circumstances, and incorporate any new information and improved data; and

WHEREAS, WAC 173-26-090 defines the legislative action that is required to be completed; and

WHEREAS, the Department of Ecology prepares a checklist of changes to state law, rules, and guidance that have occurred since the City last adopted its SMP; and

WHEREAS, communities who do not comply with the periodic updates set forth in the GMA may be ineligible to receive funds from the Public Works Trust Fund or the Centennial Clean Water account or receive preference for other state grants or loans; and

WHEREAS, a community that misses an update may also be vulnerable to a "failure to act" petition for review to a Growth Management Hearings Board; and

WHEREAS, the City identified items to consider amending or updating using the Department of Ecology checklist in the summer of 2020; and

WHEREAS, the City accepted public comments during duly noticed comment periods during the process via the City’s website, writing, and email, and interested parties were kept up to date via social media and news media; and

WHEREAS, an open house was held in November 2020 which provided an opportunity for visioning and identification of high priority issues and sought specific input on several issues; and

WHEREAS, a Joint Public Hearing was held with the Department of Ecology before the Cle Elum Planning Commission on March 16, 2021; and

WHEREAS, the City received determination of initial concurrence from the Department of Ecology on April 27, 2021, announcing the next step in the approval process to be City Council formal adoption of the ordinance amendments, per WAC 173-26-110; and

WHEREAS, it is in the interest of the health, safety, and welfare of the City to adopt the regulations as described below.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLE ELUM, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 18.02 CEMC (“Shoreline Master Program”), Amended. Cle Elum Municipal Code Section 18.02 is hereby amended to read as set forth in the attached Exhibit A and incorporated herein by this reference.

Section 2. Severability. Should any portion of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE
_____ DAY OF _____ 2021.

CITY OF CLE ELUM

Jay McGowan, Mayor

ATTEST/AUTHENTICATED:

Kathi Swanson, City Clerk

Approved as to form:

Alexandra L. Kenyon, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Date of Publication:
Effective Date: